



**MINUTES OF THE PUBLIC HEARING OF  
MONDAY, MARCH 16, 2015  
AT 200 HIGHLANDS BOULEVARD DRIVE  
REGARDING A SPECIAL USE PERMIT REQUEST  
FOR THE DISPLAY AND SALE OF TEMPORARY OR  
SEASONAL MERCHANDISE**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

The following notice of the public hearing was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, March 16, 2015 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

A request for a Special Use Permit has been made by Keith Rapp of The Fruit Stand, LLC for the display of materials, equipment, goods, supplies and merchandise for temporary or seasonal promotions and sales in conjunction with a grocery store not to exceed 10,000 square feet in size at 14433 Manchester Road. The property is zoned C-1 Commercial District.”

Mayor Willson stated that first we would hear from the proponents, then the opponents, comments from the public, comments from the Board of Aldermen, and the recommendation from the Planning and Zoning Commission.

Mr. Keith Rapp, 14433 Manchester Road, said they are looking to have outdoor sales. He said it would be a grocery store with outside display of seasonal items. They have had a fruit stand at Manchester and Mason for years and now they would like to be in a building.

Mr. Rapp stated they will have Christmas Trees, pumpkins and hanging baskets in the front of the building. They will keep it in a clean manner.

There were no opponents.

Alderman Clement stated that the Planning and Zoning Commission unanimously recommended this be approved.

City Attorney Gunn read some of the special provisions in the Ordinance:

1. Hanging baskets may be displayed on the Site only on the front of the building but such shall be hung so as to permit individuals to walk safely beneath them. No other hanging items shall be permitted on the Site.
2. All other outdoor displays shall be within an area that is not more than fourteen (14) feet from the building and shall be maintained in a manner deemed appropriate by the Director of Planning, Zoning and Economic Development.

Mr. Rapp said he understood the conditions and agrees with them.

Mayor Willson closed the public hearing at 7:06 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MRCC-S  
City Clerk

***Note:** This is a journal of the Public Hearing held Monday, March 16, 2015 regarding a Special Use Permit Request for approval of temporary or seasonal display and sales of merchandise, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
OF MONDAY, MARCH 16, 2015  
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:06 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

- a. Minutes of the March 2, 2015 Public Hearing regarding a Special Use Permit Request for a massage therapist business at 128 Enchanted Parkway

Aldermen Clement and Hamill simultaneously made the motion to approve the Minutes of the March 2, 2015 Public Hearing regarding a Special Use Permit Request for a massage therapist business at 128 Enchanted Parkway. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- b. Minutes of the March 2, 2015 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the March 2, 2015 Regular Board of Aldermen meeting. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Mayor Willson said that Item 10 (b) would be considered at a later date. Alderman Clement made the motion to approve the order of items on the agenda as amended. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

- a. Comments from the Public

There were none.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson reported on March 3, he attended the Citizens Police Academy Graduation; on March 5, he met with the Pastor of Journey Church, who wants his Church involved with some City programs; also on March 5, the Mayor, along with Alderman Clement, Alderman Ottenad, Director Ruck and Chief Walsh, attended the Country Lane Woods Trustee meeting. Mayor Willson added that on March 10, City Administrator Hixson and he met with Paige Shelby from Ameren; on March 11, he attended the Homecoming meeting; on March 12, Mayor Willson attended the Metro Mayors meeting, and also on March 12, he attended the City's Wellness Fair.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. Municipal Courts

City Administrator Hixson stated that Aldermen Clement had a few comments.

Alderman Clement stated he is unaware if anyone gets the weekend *Post Dispatch*, but there was a fairly lengthy article this weekend about municipal courts and the quality of work they do. Alderman Clement said that Municipal Courts have come under scrutiny quite a bit here, and he just wanted to point out that if anyone saw this data, it shows that Manchester is very positive, being near the bottom, in some instances well below St. Louis County averages, and in some cases even below the State of Missouri averages. He thinks this shows that Manchester's Municipal Court is doing an excellent job with the people, handling the cases and not charging excessively or building a budget from the Municipal Court. He said the data really tells the big story.

b. List of Paid Bills (Warrant dates of March 1 – March 14, 2015)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement advised that the Planning and Zoning Commission did not meet, but there is an agenda for a week from Monday night.

b. Homecoming Committee

Alderman Ottenad stated that the parade this year is starting at Journey Church because Parkway South will be having their ACT testing and the parking lot will not be available. She said they are looking at bringing arts and crafts back to Homecoming, but she is not sure if it will be this year or next year. The Homecoming Committee is in need of nominations for citizen of the year and business of the year. The next meeting will be in May.

c. Manchester Arts

Alderman Stevens stated that she thinks the artwork in the room is exceptional. It is nice to see the spectrum of art that is coming in. At the next Board of Aldermen meeting, the Manchester Arts Strategic Plan, with goals and strategies for the next three years, will be presented.

9. ACTION ON OLD BILLS

- a. There were none.

10. INTRODUCTION OF NEW BILLS

- a. BILL APPROVING SPECIAL USE PERMIT FOR THE DISPLAY OF ITEMS FOR TEMPORARY OR SEASONAL PROMOTIONS AND SALES

Alderman Clement stated he had some questions in regard to the aerial photograph of the property. He stated that on the west side of the property, the sidewalk size is allowed and then there would be a 14-foot extension for outdoor displays, as that is what the Special Use Permit has embedded in it for outdoor displays. He expressed concern about that distance on the west side to allow access to the parking spaces for the martial arts business next door. He especially mentioned that if there are people walking around the outdoor displays on the west side, there is no longer a safe distance for vehicles to come in and out. He feels the City needs to recognize a safety environment.

Director of Planning, Zoning, and Economic Development Kathy Arnett stated there would be a 23 foot distance to the parking area from the 14 feet of displays. She said that under a normal parking aisle that would be adequate space. Her concern was the conflict of cars and pedestrians. She stated her concerns were twofold, so that was her first concern. Director Arnett said her second concern was the amount of space on the property to the west side of the building, and that is only about 14 feet, so they are going to be having shoppers who could potentially be on the neighboring property, depending on how the tables are set up.

Alderman Hamill said that the 14 feet would be abutting the property line, before adding people.

Alderman Clement stated that people trying to leave would have to back out, and if people were walking around, he believes the Board needs to look at the safety of the businesses around it.

Attorney Gunn asked if Director Arnett had any concern about the 14 feet for display on the east side of the building.

Director Arnett stated she does not have any concern on the east side of the building. She said the original recommendation was to keep it on the sidewalk so none of the displays would be in the parking lot. She said they could probably go three feet on the west and accommodate everyone.

Alderman Ottenad asked that no ground level displays would be permitted in front of the building.

Director Arnett stated the front sidewalk, where the ramps come up on either side, and then the front of building, would cause a problem for ADA. She said that is why they were only recommending the hanging baskets, but there would be enough vertical clearance so they can show off their products.

Mr. Rapp, from the Fruit Stand, LLC, said that three feet is not workable. He said his tables are four feet wide. He said that everything needs to be displayed because that is their business. He said he has to be able to have outdoor sales or his business will not work.

Ms. Lorrin Charboneau, from the Fruit Stand, LLC, said that there are only a few parking spots there, and she has noticed that the martial arts business is not extremely busy.

Attorney Gunn asked if it would be acceptable if no ground level displays would be permitted on the front and there would be 14 feet of display on the east side. He asked about an agreeable number for the west side of the building.

Mr. Rapp agreed to having no ground level displays and 14 feet of display area on the east side. He asked for 4½ feet for the west side because of the sidewalk.

Alderman Hamill asked where he plans to put the tables.

Mr. Rapp answered he plans to put them right off the building.

Attorney Gunn stated that Mr. Rapp is saying that three feet is not enough, but 4 ½ feet is what he is looking for.

Director Arnett said that is likely a good compromise, if the members of the Board of Aldermen are so inclined.

Alderman Clement suggested making the display area on the west side five feet for ease of measuring.

Attorney Gunn stated that Bill # 15-2215, would then be amended so that there will be a new sentence added to Section 5. He said subparagraph one will say “No ground level displays are permitted on the front of the building.” Subparagraph two of section 5 would be amended to say “All other outdoor displays shall be within an area that is not more than 14 feet on the east side of the building and 5 feet on the west side of the building, and shall be maintained in a manner deemed appropriate by the Director of Planning, Zoning and Economic Development.”

Alderman Diehl introduced Bill # 15-2215, entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO THE FRUIT STAND, LLC, TO OPERATE A BUSINESS ENGAGED IN THE DISPLAY AND SALE OF MATERIALS, EQUIPMENT, GOODS, SUPPLIES, AND MERCHANDISE FOR TEMPORARY OR SEASONAL PROMOTIONS AND IN CONJUNCTION WITH A GROCERY STORE NOT EXCEEDING 10,000 SQUARE FEET IN AREA AT 14433 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.240(D)(1) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

Alderman Diehl advised that the manager of “The Fruit Stand, LLC” has requested emergency legislation, so he made a motion for approval of emergency legislation. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

Alderman Diehl read for the second time Bill # 15-2215, entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO THE FRUIT

STAND, LLC, TO OPERATE A BUSINESS ENGAGED IN THE DISPLAY AND SALE OF MATERIALS, EQUIPMENT, GOODS, SUPPLIES, AND MERCHANDISE FOR TEMPORARY OR SEASONAL PROMOTIONS AND IN CONJUNCTION WITH A GROCERY STORE NOT EXCEEDING 10,000 SQUARE FEET IN AREA AT 14433 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.240(D)(1) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

Alderman Diehl made the motion that Bill # 15-2215 become Ordinance # 15-2101. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Hamill - aye  
Alderman Diehl - aye  
Alderman Schrader - aye  
Alderman Ottenad - aye  
Alderman Clement - aye  
Alderman Stevens - aye

Mayor Willson announced the Bill passed with a vote of 6 - 0, with no objections.

b. RESOLUTION ACCEPTING AN OPPORTUNITY GRANT FROM THE REGIONAL ARTS COMMISSION

This item has been postponed.

11. MISCELLANEOUS

a. Comments from the Public

Mr. Leroy Kramer, 106 Whitewater Drive, read in the “Kirkwood Times” about Manchester awarding a bid for roof repairs. He wondered why the City would go to Arkansas to get a contractor to put on metal roofing.

Alderman Hamill responded that there was only one bidder.

Attorney Gunn stated that these items are required to be bid publicly, so it was bid publicly and only one bid was submitted.

Director of Parks and Recreation Eileen Collins stated that the bid package was sent to various contractors in the area and the notice was published in the paper.

Mr. Kramer said the bidder’s customers are within 150 miles of Conway, Arkansas.

Alderman Ottenad stated that what Mr. Kramer is asking is exactly what the members of the Board of Aldermen asked, but there was only one bidder.

13. ADJOURNMENT

At 7:37 p.m., there being no further business, Alderman Clement made the motion to adjourn. The motion was seconded by Alderman Schrader and carried unanimously, without objection. The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MRCC-S  
City Clerk

***Note:** This is a journal of the Board of Aldermen meeting held March 16, 2015 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*